IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

WP(C).No. 23159 of 2006(F)

AGAINST THE ORDER DATED 22/08/2006 IN IA 1159/2006. IN OS.68/2005 of SUB COURT,NEYYATTINKARA

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PETITIONER: PLAINTIFF

ANANTHAPURI POLYMERS PVT. LTD., HAVING IT'S OFFICE AT PONGUMOODU, KOOVALASSERY P.O., MARANALLOOR, TRIVANDRUM,REP.BY ITS MANAGING DIRECTOR R.PREETHA, D/O. LATE SEETHAMMAL, AGED 40, R/AT. SITHARA, ELANKAM ROAD, NEDUMCAUD, KARAMANA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS M.JACOB
SRI.G.RAJAGOPAL

RESPONDENTS: DEFENDANTS

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1. **ASSOCIATE BUSINESS COMBINES, REPRESENTED BY ITS MANAGING PARTNER, S.RAVEENDRANATH, RAJ ILLAM, KOOVALASSERI P.O., MARANALLOOR, THIRUVANANTHAPURAM.**

2. **S.RAVEENDRA NATH, AGED ABOUT 52, RESIDING AT G-11, JAWAHAR NAGAR, KOWDIAR, THIRUVANANTHAPURAM.**

3. **GOMATHI AMMAL, AGED 76, RESIDING AT SHANKARA BHAVAN, PAZHAYASSALA, THIRUVANANTHAPURAM.**

4. **ASWANI KUMAR, AGED ABOUT 26, RESIDING AT L.P.ASHIYANA, TELEPHONE EXCHANGE ROAD, SREEKARIYAM P.O., THIRUVANANTHAPURAM.**

BY ADV. SRI.K.B.PRADEEP R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.23159/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE IA. NO.1120/06 FILED BY THE PETITIONER.

EXT.P2:- COPY OF THE IA. NO.1159/06 FILED BY PETITIONER.

EXT.P3:- COPY OF THE ORDER DT.22.8.06 IN IA. NO.1159/06.

/TRUE COPY/

P.A. TO JUDGE

tss

M.N.KRISHNAN, J

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W.P.(C) No.23159 OF 2006

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Dated this the 1st day of June, 2007

JUDGMENT

This writ petition is preferred challenging Ext.P3 order. The suit is one for realisation of the amount from the defendants. It is averred in the petition that the evidence is almost over and at that stage the plaintiff's company wanted to produce documents to substantiate certain points raised in the cross examination. Along with the petition to receive documents, an application was also filed for reopening the evidence. The trial court was not satisfied with the prayer and as the matter was posted for final hearing, it did not allow the petition.

2. A perusal of the affidavit would show that the plaintiff wants those documents be produced before court for the purpose of clarifying and removing the suspicion that might have been created in the mind of the court. Since the matter is only in the final stage of hearing and as the documents produced are relevant for the proper determination of the case, it is desirable that an opportunity should be given to the plaintiff to produce those documents and adduce further evidence. Needless to say that

defendants be permitted to produce any additional evidence and be permitted to cross examine the plaintiff or its witnesses so as to challenge the veracity of documents so produced.

Therefore the writ petition is allowed and the order under challenge is set aside and the trial court is directed to receive the documents and reopen the evidence. The plaintiff as well as the defendants shall be given an opportunity to adduce further evidence in support of their respective contentions and opportunity to cross examine should not be denied as well. Being a matter which is in the final stage, the trial court is directed to dispose of the matter as expeditiously as possible.

M.N.KRISHNAN, JUDGE

Cdp/-